



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,128	04/18/2001	Tazwell L. Anderson JR.	011997-1030	3095

7590 03/31/2006
EVAN R. SOTIRIOU
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS, MO 63102

EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2623

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,128

Applicant(s)

ANDERSON ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 18-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-32, 34-38, 40-48, and 50-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busack (US 6,020,851 A) in view of Koehler et al. (US 20010042105 A1) and further in view of Allport (US 6,097,441 A).

Regarding claim 18, Busack discloses a device (40, 42) to be used at an event (auto race) by a user while watching the event live, the device comprising a receiver (within 40) being configured to receive video content transmitted to the receiver, signal processing logic (within 40) configured for selectable operation by a user to select video content (i.e., a particular vehicle for viewing during the event); and a display being configured to display video content selected by the user (see figure 1; col. 1, lines 5-11 and 49-51; col. 3, lines 24-30 and 36-40).

Busack does not explicitly teach selecting video content from at least one of a plurality of sources located at event. However, Koehler teaches that a system allows a viewer to select one or more views from car views provided from cameras in cars 12-18 in a race event to (see 0027). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Busack by selectively providing video content from one of cameras in cars in race event to a viewer as taught by Koehler to allow the view to watch the selected car view as desired.

Busack does not teach that the device is a wireless handheld device for wirelessly receiving video content and the device comprises a display to be carried by the user. However, Allport specifically teaches that a wireless handheld device 10 wirelessly receives video signals from sources and displays the received video content on display 15 (see figure 1 and col. 10, lines 16-22; col. 9, lines 38-39; col. 6, lines 2-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify device 40-41 of Busack as a wireless handheld device for wirelessly receiving video content and presenting the received video content on a display as taught by Allport to allow the user to easily carry the device and watch video at any place.

Regarding **claim 19**, the combination of Busack, Koehler and Allport further teaches the receiver receives wirelessly at least one of video content and audio content originating at another event remote from the event that the user is attending live (for example, the device wirelessly receives TV broadcast signal, i.e., news – see Allport: col. 10, 15-23 and 49-51 and col. 9, lines 46-51).

Regarding **claim 20**, the combination of Busack, Koehler and Allport further teaches that a portable user interface, within said handheld housing, configured to allow the user to select video content for display by the display from the event that the user is attending live and from another

remote event (i.e., user selects viewing video content such as news or television broadcast program from TV broadcast signals – see Allport: col. 10, lines 49-65).

Regarding **claim 21**, the combination of Busack, Koehler and Allport further teaches that the receiver wirelessly receives audio content includes audio from only one of plurality of sources, and further comprising a portable user interface configured to allow the user to select audio content from one of the sources (a user can select to listen communications between the driver and pit crew, wherein the audio signals are received from a plurality of audio sources – see Busack and Koehler: abstract).

Regarding **claim 22**, the combination of Busack, Koehler and Allport further teaches that the receiver wirelessly receives audio and video content from cameras and microphones at the event that the user is attending live (see Koehler: 0027 and 0012). Busack, Koehler and Allport do not teach receiving audio and video content from cameras and microphones at another remote event. Official Notice is taken that providing audio and video via microphone and camera at a remote event such as sporting event or news is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Busack, Koehler and Allport by providing audio and video via microphone and camera at another remote event such as another sporting event or news to provide different video content for enhancing distribution system.

Regarding **claim 23**, the combination of Busack, Koehler and Allport further teaches a portable user interface configured to allow the user to select for simultaneous outputting audio content from a plurality of sources, and wherein the audio content from one source is output at an increased amplitude relative to the audio content from another source (i.e., by prioritizing, the user can hear communications from a particular team while still hear communications from other team – see Koehler: 0019).

Regarding **claim 24**, the combination of Busack, Koehler and Allport further teaches that the receiver wirelessly receives the video content when the user is roaming at the event (since the device 40 is at the race for receiving the audio/video and the device wirelessly receives video signals – see Busack: figure 1; Allport: col. 10, lines 16-23).

Regarding **claim 25**, the combination of Busack, Koehler and Allport further teaches that a portable user interface and wherein the receiver is configured to receive a plurality of video and audio channels selectable using the user interface (selecting the received audio and video channels via user interface - see Koehler:0026 and Allport: col. 10, lines 49-50).

Regarding **claim 26**, the combination of Busack, Koehler and Allport teaches that the event is an automobile race and the plurality of video and audio channels provide video and audio content from live on-track content source (i.e., cameras in cars – see Busack: figure 1; Koehler: figure 1 and 0027).

Regarding **claim 27**, the combination of Busack, Koehler and Allport teaches that a user interface configured to allow the user to select intermittently images representing said video content for display by the display (i.e., selecting one or more views from car views for display – see Koehler: 0027).

Regarding **claim 28**, the combination of Busack, Koehler and Allport teaches that the video content includes video content intermittent images of the event (video content includes the views of auto race – see Busack: abstract and col. 1, lines 5-10).

Regarding **claim 29**, the combination of Busack, Koehler and Allport teaches that a user interface configured to control operation of said signal processing logic such that the user away from the event while intermittently viewing images defining said video content (since the device 40 is at the race for receiving and displaying the audio/video and the device wirelessly receives video signals – see Busack: figure 1; Allport: col. 10, lines 16-23).

Regarding **claim 30**, the combination of Busack, Koehler and Allport teaches that a user interface configured to provide one touch operation (see Allport: col. 6, lines 21-26).

Regarding **claim 31**, the combination of Busack, Koehler and Allport teaches that the display is a liquid crystal display (see Allport: col. 6, lines 13-14).

Regarding **claim 32**, the combination of Busack, Koehler and Allport teaches that the display comprises a plurality of screens (screen 104 and 110 – see Koehler: figures 4).

Regarding **claim 34**, the combination of Busack, Koehler and Allport teaches that the plurality of the sources provide a sideline view of said event and a spectator view of said event (providing television broadcaster's view of the race event and car views – see Koehler: 0027).

Regarding **claim 35**, the combination of Busack, Koehler and Allport teaches that the video content provides different images from the event, said signal processing logic allowing the user to select images for display on the display when the user is away from the event (since the device 40 is at the race for receiving video content and selectively displaying the views in response to the viewer selection – see Busack: figure 1 and abstract; Koehler: 0027; Allport: col. 10, lines 16-23).

Regarding **claim 36**, Busack discloses a device (40, 42) to be used at an event (auto race) by a user while watching the event live, the device comprising a receiver (within 40) being configured to receive video content transmitted to the receiver, signal processing logic (within 40) configured for selectable operation by a user to select video content (i.e., a particular vehicle for viewing during the event); and a display being configured to display video content selected by the user (see figure 1; col. 1, lines 5-11 and 49-51; col. 3, lines 24-30 and 36-40).

Busack does not explicitly teach selecting video content from at least one of a plurality of sources located at event. However, Koehler teaches that a system allows a viewer to select one or more views from car views provided from cameras in cars 12-18 in a race event to (see 0027). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Busack by selectively providing video content from one of cameras in cars in race event to a viewer as taught by Koehler to allow the view to watch the selected car view as desired.

Busack does not teach that the device is a wireless handheld device for wirelessly receiving video content and the device comprises a display and a user interface to be carried by the user. However, Allport specifically teaches that a wireless handheld device 10 wirelessly receives video signals from sources and displays the received video content on display 15. The wireless handheld device 10 comprises buttons and other mechanism such as touch-sensitive pads, dials, knobs...etc, as user interface for enter user input or controlling the device (see figure 1 and col. 10, lines 16-22; col. 9, lines 38-39; col. 6, lines 2-7 and 21-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify device 40-41 of Busack as a wireless handheld device for wirelessly receiving video content, presenting the received video content on a display, and enter user input or controlling the device as taught by Allport to allow the user to easily carry the device and watch video at any place.

Regarding claim 37, the combination of Busack, Koehler and Allport teaches that the event is a sporting event (race event – Busack and Koehler: figure 1).

Regarding claim 38, the combination of Busack, Koehler and Allport teaches does not teach that the event is a game played on a field and a plurality of sources comprises a video camera located on the field. Official Notice is taken that providing video content from a video camera located on a field of a sporting event such as football game is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Busack, Koehler and Allport by providing video content from a video camera

located on a field of a sporting event such as football game to provide different video content for enhancing distribution system.

Regarding claim **40**, the combination of Busack, Koehler and Allport further teach that the event is a game played on a field and the video content received by the receiver includes a first image from a field sideline perspective of the game and a second image from a spectator perspective of the game, the signal processing logic allowing the user to select one of the first and second images (i.e., selecting one or more views from car views for display – see Koehler: 0027).

Regarding claim **41**, the combination of Busack, Koehler and Allport further teach that the event occurs at a stadium and the handheld device is configured to operate at the stadium (since the device 40 is at the race for receiving the audio/video and the device wirelessly receives video signals – see Busack: figure 1; Allport: col. 10, lines 16-23).

Regarding claim **42**, the combination of Busack, Koehler and Allport further teaches that video content includes first and second images associated with separate first and second events, said signal processing logic allowing said user to select one of said first and second images (i.e., user selects viewing video content such as news or television broadcast program from TV broadcast signals – see Allport: col. 10, lines 49-65).

Regarding claims **43 and 44**, the combination of Busack, Koehler and Allport teaches that the receiver is configured to receive the video content while a user roams at event (the device 40 and user are at the race, wherein the device wirelessly receives audio/video signals – see Busack: figure 1; Allport: col. 10, lines 16-23).

Regarding claim **45**, the combination of Busack, Koehler and Allport teaches that the device comprises an antenna, provided on the handheld housing, that is configured to receive, in said video content, a first image associated with the event and a second images associated with another event

(TV broadcast program and Internet content) (see Allport – col. 15, lines 13-15; col. 9, lines 46-51 and col. 10, lines 49-51).

Regarding claims **46 and 47**, the combination of Busack, Koehler and Allport further teaches the feature of selecting video content and displaying the selected video content on the display (see Busack: abstract; Koehler: 0027; and Allport: col. 6, lines 8-20).

Regarding claim **48**, the combination of Busack, Koehler and Allport teaches that the receiver permits the user to roam away from the event while the display intermittently displays images defining by said selected video content (since the device 40 is at the race for receiving and displaying the audio/video and the device wirelessly receives video signals – see Busack: figure 1; Allport: col. 10, lines 16-23).

Regarding claims **50, 51 and 53-59**, see rejection of claims 37, 38 and 40-45 and 48, respectively.

5. Claims 39 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busack (US 6,020,851 A) in view of Koehler et al. (US 20010042105 A1) and further in view of Allport (US 6,097,441 A) and in view of Khosla (US 6,080,063 A).

Regarding claims **39 and 52**, the combined teachings of Busack, Koehler and Allport fail to show that the plurality of sources a camera located on a helmet of a player. However, Khosla discloses that participants in live event 100 wear helmet cameras which provide participant perspectives on live event 100 (see col. 4, lines 19-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Busack, Koehler and Allport by including a camera located on a helmet of a player as disclosed by Khosla for capturing images from the player position within live event.

6. Claims 49 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busack (US 6,020,851 A) in view of Koehler et al. (US 20010042105 A1) and further in view of Allport (US 6,097,441 A) and in view of Perlman (US 6,125,259 A).

Regarding claims **49 and 60**, the combined teachings of Busack, Koehler and Allport fail to show analyzing information received by the receiver for indicating whether the device is authorized to display a select image defined by the select video content. However, Perlman teaches the feature that when a particular channel is selected for reception, the microprocessor requests the authorization status of the selected channel from a scrambler module, and the microprocessor then determines if the selected channel is authorized for viewing. The authorization status of a particular channel may be selectively enabled by transmitting a suitable authorization code to the scrambler module (see col. 10, lines 12-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of the combined teachings of Busack, Koehler and Allport by including a module to analyze the received authorization code indicating authorization status for viewing a selected channel as taught by Perlman in order to ensure the authorized viewer to view the channel for security purposes.

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Busack (US 6,020,851 A) in view of Koehler et al. (US 20010042105 A1) and further in view of Allport (US 6,097,441 A) and in view of Rallison et al. (US 5,903,395 A).

Regarding **claim 33**, the combination of Busack, Koehler and Allport does not teach that device comprises a shroud substantially surrounding said display. However, Rallison teaches that a display device comprises a shroud 112 surrounding a display (see col. 8, lines 8-10 and figures 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of the combined teachings of Busack, Koehler and Allport by including a

shroud surrounding a display as taught by Rallison in order to block stray light and hold and align of various components of the device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. It is important to note that Art Unit 2611 has been changed into Art Unit 2623.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2623

March 27, 2006